

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 3-9, 11-15, 17, 18 and 20-30 remain pending in this application.

Claims 30 stands rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Applicants respectfully traverse this rejection. The 25% is disclosed in the application as originally filed on page 5, lines 21-23. Accordingly, this rejection should be withdrawn.

Claims 3-9, 11-15, 17-18 and 22-30 are rejected and 35 U.S.C. §103(a) as being unpatentable over Person (U.S. Patent No. 5,067,081) and further in view of Millington (U.S. Patent No. 6,175,801B1). Applicants respectfully traverse this rejection

Millington is not prior art under 35 U.S.C. §103(a) because the subject matter and claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same person (Magellan DIS, Inc.). Please note that there is an error on the face of Millington that reads "Magelan DTS, Inc.", which was corrected by a Certificate of Correction. Accordingly, this rejection should be withdrawn.

All objections and rejections having been addressed it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is honestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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